

The Evolution of Conscientious Objection

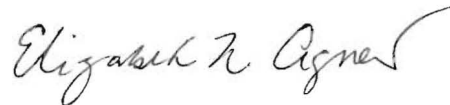
An Honors Thesis (HONR 499)

by

Melissa Hayes

Thesis Advisor

Elizabeth Agnew

A handwritten signature in black ink that reads "Elizabeth R. Agnew". The signature is written in a cursive style with a large, sweeping flourish at the end.

Ball State University

Muncie, Indiana

May 2014

Expected Date of Graduation

May 2014

SpColl
Undergrad
Thesis
LD
2489
.Z4
2014
.H393

Abstract

There has always been opposition to war, and in the U.S. one avenue through which individuals can profess their opposition is by claiming conscientious objection. A conscientious objector is one who is opposed to serving in the armed forces and/or bearing arms on the grounds of moral or religious principles. The legislation and implementation of conscientious objection in the U.S. have changed dramatically since its introduction in 1917. This thesis tracks those changes through examination of World War I, World War II, and the Vietnam War. Moreover, this analysis provides insight into the catalysts that led to these changes by focusing on Norman Thomas (1884-1968), A.J. Muste (1885-1967), and David Dellinger (1915-2004), three influential peace leaders whose work exemplifies the work done by the larger peace movements during the twentieth century. Given the past evolution of conscientious objection and the growing concerns with current conscientious objection provisions, I argue that further changes may be made to the legislation as the years pass.

Acknowledgements

I would like to thank Dr. Elizabeth Agnew for her exceptional help and support throughout this project. Her genuine excitement for the project helped motivate me throughout this long and at times difficult endeavor. With her guidance this project has evolved from a half put together idea into a focused and refined thesis to which I am proud to have my name attached.

I would also like to thank my parents, Doug and Renate, as well as my siblings, Kaelynn, Shannon, and Eric, for encouraging me to pursue my interests throughout my college career and for supporting my academic endeavors including the pursuit of this project.

Table of Contents

Introduction.....	1
World War I and Norman Thomas.....	8
World War II and A.J. Muste.....	21
The Vietnam War and David Dellinger.....	36
Conclusion.....	50

Introduction

For as long as war has existed, it has been met with opposition in some way or another. In the U.S., one avenue through which an individual can profess their opposition to war is by claiming conscientious objection. A conscientious objector (CO) is one who is opposed to serving in the armed forces and/or bearing arms on the grounds of moral or religious principles. The evolution of the legislation regarding conscientious objection in the U.S. is complex, but it is well worth tracking and unpacking in order to better grasp an understanding of today's CO provisions and the possibility for further change.

In examining three significant wars in the history of the U.S., World War I, World War II, and the Vietnam War, this work tracks the changes that have been made to CO legislation and more importantly it provides insight into what prompted these changes. The subsequent chapters examine the contributions of three prominent peace activists throughout history. The work of Norman Thomas (1884-1968), A.J. Muste (1885-1967), and David Dellinger (1915-2004) throughout these three wars, and also during periods of relative peace, exemplifies the work done by the larger peace movements during the twentieth century. The varied approaches of these three activists illustrate the evolution of the peace movements in the U.S. and how this evolution had a role in amending CO provisions. In examining the contributing factors to the evolution of conscientious objection, this work argues that given the influence of public opinion in the past

regarding issues of CO legislation, it is fair to assume that CO legislation may be in store for future changes as public awareness of its current issues increases.

Before delving into the details, it will be helpful to provide a brief history of the origins of conscientious objection. Individuals in America have been opposed to required military service since the beginning of compulsory militia training and service in the early 1700s. Throughout the 1700s and 1800s men belonging to the historic peace churches who objected to military service were for the most part exempt from service. Colonial militia laws required every able-bodied male to train in preparation to defend his country. Quaker, Mennonite, Amish, and Brethren populations opposed the obligation to militia service based on their pacifist approaches to life. Seeing that these populations were productive members of society through their farming and labor, twelve of the thirteen colonies adopted legislation that exempted members of pacifist sects from militia training and service. Those exempted were required to pay a fine or hire a substitute if drafted during wartime. In times of heightened conflict such as the French and Indian War and the Civil War, laws regarding exemptions were tightened and in some cases members of the peace churches were forced to participate in military service. For the most part, however, this was not the case and those whose religious affiliation did not condone war or participation in the military were exempted from service. Similar legislation remained until the U.S. became involved in WWI and the Selective Service Act of 1917 was introduced (Moskos, 23-32).

It is not clear if prior to WWI the men exempted from military service were referred to as conscientious objectors (or COs). It is likely, however, that the 1917 Selective Service Act was the first time the term “conscientious objector” was included in official legislation regarding those opposed to participating in war. Under this act, men belonging to the historic peace

churches could not oppose participation through formally claiming CO status, but they were no longer completely exempted from military service. As the legislation stated, “no person so exempted shall be exempted from service in any capacity that the president shall declare to be noncombatant” (*Conscience*, 88). COs were sent to the same military training camps as those who had been drafted into combatant service and were expected to follow military orders. However, many COs were opposed to even noncombatant service and to being under military authority. Those who held steadfastly to their convictions refused to cooperate with the officers in charge and faced harsh repercussions and abuse as a result (*Conscience*, 89-96). The provisions for COs established by the Selective Service Act did not consider the defiance of COs in response to compulsory noncombatant service. As a result, attempts had to be made to try and amend the system to reflect the reality of the situation, as will be elaborated on in chapter two.

Norman Thomas provided extensive documentation of the plight of COs during WWI in his book *Is Conscience a Crime?*, published in 1927. Throughout his career, Thomas argued that conscription and the often harsh treatment of those who refused conscription were both violations of civil liberties. He believed that a man had a right to live by his conscience and that the attempts of military conscription to disregard that conscience were an injustice. Thomas blamed many sources for the plight of the COs during WWI and for the suppression of freedom that conscription implemented, including the Wilson administration and the Christian Church. Following WWI his relationship with the church was damaged and his political views, which were already leaning towards socialism, were altered. WWI and the treatment that COs suffered were the catalysts that led Thomas to the social and political activism that consumed the remainder of his life (Duram, 85-91).

As entry into WWII loomed, the 1940 Selective Service Act altered the provisions regarding CO status. A CO deferment was no longer restricted to only members of the historic peace churches but could be granted to those who “by religious training or belief were opposed to war in any form” (Eller, 26). While these broader terms were in theory more inclusive, the vagueness of the terms caused some problems. The change in terminology allowed for COs outside of the peace churches, but those who retained membership in a peace church still received their deferments more easily. Because the language was so vague and there was not a clear definition of what religious training and belief entailed, draft boards tended to interpret the terms differently. As a result CO claims that were denied by one board may have been accepted by a different board. The 1940 act also addressed the issue of those COs opposed to even noncombatant military service. These COs were given the option of alternative service which meant that they would not serve at military camps, but rather would fulfill their obligation to the military at the newly established Civilian Public Service Camps (Eller, 27-31). The inclusion of an established alternative service and the broadened terms of the 1940 Selective Service Act provided some improved conditions for the 43,000 COs of WWII, but flaws still remained in the system.

A contemporary of Norman Thomas, A.J. Muste, another prominent peace activist, took an active role in securing better CO provisions at the outset of WWII. Through his work as the executive secretary of the Fellowship of Reconciliation (FOR), Muste supported negotiating with Congress to secure more inclusive CO provisions. He was also initially supportive of the implementation of the Civilian Public Service (Robinson, 78-79). However, his feelings regarding both negotiating with congress and the implementation of the Civilian Public Service soon changed. As a result, while at first compliant with conscription, over the course of the war

Muste became a proponent of civil disobedience and a supporter of those who refused to register (Robinson 78-81). Muste's evolving pacifism will be discussed more thoroughly in chapter three, as will the experiences of COs during WWII.

In the years following WWII two significant changes were made to CO provisions. The Civilian Public Service was suspended and COs performed alternative service either by finding or being assigned to work in public employment or nonprofit organizations. In 1948 the amended Selective Service Act defined religious training and belief as "an individual's belief in a relation to a Supreme Being involving duties superior to those arising from any human relation" (Moskos, 39). The new interpretation worked to clear up confusion by providing a definition for previously vague terms, but it remained that CO status could only be gained on explicitly religious grounds. However, subsequent challenges were made to the part of the legislation that stated that objection had to be based on religious training and belief.

While not the first to challenge this part of the legislation, it was the *Welsh v. US* Supreme Court case, decided in 1970 during the Vietnam War, that ruled that "the central requirement for CO deferments was a deeply held conviction that participation in the military violated one's religious or moral beliefs" (Tollefson, 6). This ruling established that CO status need not be based on religion, but that moral and philosophical arguments could also qualify individuals for CO status; COs' convictions could now be religious or secular. This broadening of terms coupled with the burgeoning anti-war sentiment led to an increased number of CO applications as well as draft evaders (Tollefson, 6-7). The exceptionally large and influential anti-war movement during Vietnam played a significant role in causing these increased numbers as will be revealed in chapter four.

Both Thomas and Muste continued to play active roles during the anti-war movement in protest of the Vietnam War until their deaths in 1968 and 1967 respectively. The Vietnam War also inspired a younger and more radical group of peace activists who came to the forefront. As will be discussed in chapter four, a key figure of the movement was David Dellinger who was an established peace activist who had refused to register for the draft during WWII. During the Vietnam War, Dellinger saw a divide between bureaucratic peace leaders who cooperated with the government, and the grassroots anti-war groups that felt the government did not operate as a true democracy. Dellinger identified with the latter (*Yale to Jail*, 190). While sympathetic to COs, their cause was not Dellinger's main concern during the Vietnam War. He encouraged individuals not to register for the draft at all, as opposed to registering as COs and he promoted the new tactic of draft card burning. The fight for more inclusive CO provisions had not been forgotten, but their cause was not as prevalent in the peace movements during Vietnam as it had been during the two world wars.

Throughout WWI, WWII, and the Vietnam War COs fought for the right to live by their conscience and protest the suppressive policies of conscription. Support for their cause was expressed in many ways. Thomas blew the whistle on the sufferings of COs during WWI through his extensive documentation and he remained supportive of COs throughout the remainder of his career; Muste worked through the bureaucratic channels of the Fellowship of Reconciliation and the National Service Board for Religious Objectors to try and improve the conditions for COs and realized his support for civil disobedience during WWII; Dellinger took a stand against conscription by refusing to register for the draft during WWII and in supporting grassroots anti-war groups during the Vietnam War. The persistence of the COs, the peace activists, and the anti-

war movements of the general public helped to shape the changing CO provisions throughout the years, but there may still be more change to come.

There is no longer a draft in America, rather service in the armed forces is now all voluntary. Individuals, however, can still claim CO status despite having voluntarily enlisted. Proving the sincerity of their convictions can be a difficult task and those deemed insincere face penalties. It also remains that COs must object to all wars; opposition based on a specific war, even if that opposition is based on religious or moral grounds, is not deemed valid and CO status will not be granted. Given the past changes to CO provisions in the face of new wars and social demands, it is possible that the restrictions that remain today on CO status may someday change as well. In looking closely at the changing legislation regarding CO status and the voices and causes for these changes that are presented in the subsequent chapters, a better understanding of what lies ahead for CO legislation may be reached.

World War I and Norman Thomas

WWI was the first introduction of a large scale draft to the public. The advent of conscription as a means of arming the country and going to war was accepted by some while passionately criticized by others. In particular, for those conscientiously opposed to war or military service, the requirement of military service was unsettling and unwelcome. As the draft was implemented, such individuals faced the uphill battle of having their voices heard and their convictions respected. The 1917 Selective Service Act provided provisions regarding COs but they proved troublesome and did not cover the full scope of issues that arose regarding COs during WWI. The poor treatment of COs that resulted from this did not go unnoticed, and many prominent peace activists became advocates for the downtrodden COs. Norman Thomas was one such activist who throughout the war, and in the years to follow, advocated not only for better treatment of COs but also for the end of the institution of conscription as a whole. In particular, Thomas spoke out against the implementation of conscription, the exclusive language of the CO provisions in the Selective Service Act, the poor treatment of COs in military camps and prison, and the failure of the church to act on their behalf.

Born in Ohio in 1884, Thomas grew up an avid reader in a Christian household. Following his graduation from Princeton in 1905, Thomas followed in his father's footsteps by studying at the Union Theological Seminary and in 1911 being ordained a Presbyterian Minister.

While initially holding conservative economic and political views, Thomas's experiences as a social worker in New York City before his time at seminary made him acutely aware of social injustices including poverty and human exploitation. He surmised that the current capitalistic society would not be able to relieve these social injustices and as a result was drawn to socialism, the political party for which he would eventually become a six-time presidential candidate. WWI, and more specifically the issue of conscription and the plight of COs, furthered Thomas's desire to speak out against injustice and was the catalyst for his career as a social activist (Duram, 17-21).

In his essay, "Conscription: The Test of Peace," published in 1944, Thomas set forth his opposition to the institution of conscription based on the arguments of democracy and freedom. While this work was written as a critique of conscription during WWII, Thomas's sentiments regarding conscription were the same during WWI. With regards to democracy he recognized that some lauded conscription for bringing together poor and rich men in the common discipline of the armed forces. To counter this way of thought Thomas argued, "It does not occur to them that it might be even lovelier and more truly democratic to abolish the vast differences between rich and poor in America by using our energies and resources not for war but for the conquest of poverty" (Conscription, 8). He argued further that the military itself was rife with undemocratic hierarchies of officers as well as race discrimination. A vehement proponent for social justice, Thomas would not allow for the argument that conscription somehow exemplified democracy and equality ("Conscription," 9). An even bigger issue Thomas took with conscription, however, was its denial of individual freedom.

Thomas criticized the government for extinguishing freedom at home while trying to promote freedom in the rest of the world. In fighting for other countries' freedom, Thomas

believed the U.S. to have compromised the freedom of its own citizens by imposing the draft and forcing them to serve in the military. He encouraged others to consider the question of whether it was acceptable for the state to enforce a will upon a man that violated the dictates of that man's conscience (Duram, 85-86) In his essay, "What Does War Mean for the Individual," published in 1917, Thomas argued that as soon as a man was drafted and enlisted, he surrendered the right to act according to his own conscience because the highest law of the army is obedience to one's superior officer ("What Does War Mean," 107-108). Thomas saw the required obedience and lack of independence found in the military as a problem in itself, but the problem grew even larger when the state began forcing those opposed to military service to comply with it. While concerned with the institution of conscription on a broad scale, Thomas invested much time and effort in advocating specifically for COs, possibly because his brother, Evan, was himself a CO during WWI and suffered as a result of his convictions (Duram, 21).

The entrance of the U.S. into WWI brought with it a new way of approaching conscription and those opposed to conscription. Men opposed to military service could no longer pay to be exempted from the draft or hire a substitute, but those opposed based on religious grounds could apply for CO status. In regards to CO status the 1917 Selective Service Act stated:

Nothing in this act contained shall be construed to require or compel any person to serve in any of the forces herein provided for who is found to be a member of any well recognized religious sect or organization at present organized and existing and whose existing creed or principles forbid its members to participate in war in any form and whose religious convictions are against war or participation therein in accordance with the creed or principles of said religious

organizations, but no person so exempted shall be exempted from service in any capacity that the President shall declare to be noncombatant. (*Conscience*, 88-89)

There are several key points in this piece of legislation that could use clarification. The first is the discussion of those who, under this legislation, could apply for and have a reasonable chance of obtaining CO status. The religious sects or organizations referred to here were largely the historic peace churches which included the Quakers, Brethren, and Mennonites. Men that did not hold membership in any of these churches may have held religious convictions against military participation or fighting in war, but based on the Selective Service Act these convictions were not recognized as a permissible basis for obtaining CO status. While the act recognized the religious prohibitions against war of some, it disregarded the same prohibitions by others who were not affiliated with the peace churches.

As mentioned above, Thomas opposed conscription because it compromised one's right to follow his own conscience. As such, the failure of the act to recognize conscientious opposition to war of those outside of the peace churches did not sit well with Thomas. He refuted the government's decision only to recognize members of the peace churches as COs by making the case that, "conscience is an individual and not a corporate matter" ("War's Heretics," 2). He not only recognized that religious objection did not solely exist in the peace churches, but he also recognized that conscientious objection in general need not be religious. Thomas explained that the public's acceptance of religious objectors came from the societal value of respect for an individual's religious convictions. One's social and political convictions were not necessarily granted the same respect as one's religious views. Therefore, the idea of "religious liberty" afforded to religious COs a right denied to those whose objections were based on the grounds of humanity, philosophy, or politics ("War's Heretics," 2-5). The exclusive language and

application of the 1917 Selective Service Act was a major source of contention for many, but it was not the only divisive issue to be found in the conscription law regarding COs.

In his book, *Is Conscience a Crime?*, published in 1923, Thomas chronicled the experiences of COs throughout WWI and highlighted the shortcomings and resulting issues of the CO provisions in place at the time. The main issue that arose from the act during WWI came from the requirement of COs to participate in noncombatant service. This type of service required that COs still be under military authority but they were not required to bear arms or participate in combat. While their service requirements differed from those drafted into combatant service, all drafted personnel were sent to the same military training camps. Though exempted from combatant service, many COs were opposed to any military involvement at all and saw even noncombatant service as a way of supporting a war they could not support. Instead of complying with the orders of the military officers at the camps, many COs chose to defy them and refused to participate in even the simplest of tasks such as wearing a military uniform. This dissent had not been anticipated when the legislation was formed and as such there were no regulations in place on how to handle the rebellious COs (*Conscience*, 89).

While not the case at every camp, many COs experienced persecution from fellow draftees and officers alike for their unwillingness to comply with orders. Officers and military officials attempted to persuade and coerce COs to cooperate with orders, but for COs who held steadfastly to their convictions, there was no moving them. The frustration of officers and other draftees persisted and led to the increasingly harsh conditions COs experienced. In an attempt to quell the situation, the War Department released a definite ruling regarding the treatment of all COs in military camps in October of 1917. It stated that COs were to be segregated from other draftees and treated with tact and consideration. By being respectful to COs and not pushing

them to comply with orders, it was hoped that they would renounce their original objections and choose to serve in the military on their own (*Conscience*, 88-91).

During their time in the camps, several COs did give up their CO claims. Of the 20,873 men inducted into the military who made claims for CO status, only 3,989 men maintained their objections and upheld their convictions against war (*Conscience*, 14). For those who maintained their claims, conditions and treatment varied, but there was a steady stream of accounts of brutalities suffered at the camps. Thomas gathered these accounts from a variety of sources including letters to home from COs, diaries kept by COs, reports from others in the camps, and reports from the camps themselves as well as the War Department. During the war, these accounts of brutalities were aired mostly to family members through letters. Despite attempts by family members to enlighten others about the brutal treatments of COs, the general public was not all that aware of the treatment COs faced in some of the military camps (*Conscience*, 143-159). One goal Thomas had for his post-war volume, *Is Conscience a Crime?*, was to record these experiences and bring them to the attention of the public (Duram, 88).

Thomas concluded that the camps with the best conditions for COs were Camp Upton in New York, Camp Sherman in Ohio, and Camp Custer in Michigan. In these camps those who refused to comply with military orders were segregated from others, not forced to wear uniforms, and expected to take care of their own barracks and food. This kind of out-of-sight, out-of-mind approach seemed to reduce friction and eliminate the confusion surrounding how to get the COs to follow orders (*Conscience*, 129). Some camps, however, did not have this same approach and were not willing to act as though the COs were their own breed deserving of special circumstances.

Thomas also made claims about the camps with the worst conditions for COs including Camp Grant in Illinois and Fort Riley and Camp Funston in Kansas. These camps disregarded the War Department's policy of treating COs with tact and consideration by keeping COs in confinement in unsanitary guardhouses for weeks at a time among other forms of general harassment. Thomas found that reports from COs included several kinds of poor treatment:

...confinement in unsanitary guardhouses- sometimes in unheated cells during winter months, without blankets; and long hours of standing at attention, in bitter cold or in blinding heat. Men were forcibly clad in uniform, beaten, pricked or stabbed with bayonets, jerked about with ropes round their necks, threatened with summary execution, tortured by various forms of the "water torture." In at least two cases men were immersed in the filth of latrines, one of them head downward. (*Conscience*, 144)

Despite their knowledge, as seen through their own reports of brutalities, the War Department was slow to take action in investigating claims made by COs. It was not until December of 1918 that any kind of formal action was taken against officers accused of the brutalities. Following an investigation that found most claims of COs to be true, the War Department singled out only a few officers to reprimand for the treatment COs suffered at their hands. The two majors under investigation were censured and granted an honorable discharge and it was promised that the three regular army officers under investigation would be "disciplined through the usual military channels" (*Conscience*, 162). The War Department's slow response to CO claims of brutality and their lax treatment of those found guilty did not impress Thomas and was yet another example of the unfair treatment COs received throughout the war.

COs were portrayed as cowards and nuisances in both the military camps and by the public. According to Thomas, however, their willingness to unwaveringly endure such brutalities for the sake of their convictions proved that they were quite the opposite of cowardly. “It is a psychological fact that for the average man it took more courage to face guardhouse and imprisonment alone than to endure with his comrades the greater sufferings of the battlefield” (*Conscience*, 163). The ability for COs to go through the kinds of treatment they did was in Thomas’s mind proof enough that they were sincere in their objections to war. But, for the most part, COs were seen as troublesome and the problems and frustration they caused in military camps had to be dealt with.

The CO population was a small fraction of the total number of men inducted into military service during WWI, entailing only 3,989 of the 2,810,296 inductees. However, the issues in military camps caused by the lacking provisions regarding COs in the Selective Service Act needed to be addressed. The solution for resolving the issues of COs in military camps came in the form of the Board of Inquiry that was sent to camps to determine the sincerity of COs (*Conscience*, 108). There were three main categories into which COs could be placed by the Board of Inquiry. In the end 1,300 men were found to be sincere objectors to combatant service but eligible for and assigned to noncombatant service, 1,299 men were found to be sincere objectors to both combatant and noncombatant service and received work furloughs, and 450 men were found to be insincere objectors and sent to prison. The remaining men were still in military camps at the time of the armistice (*Conscience*, 15). As had been the habit of the War Department, the process of the Board of Inquiry was slow and there were many faults with the system.

The first job of the Board of Inquiry was to determine an objector's sincerity. Sincere objectors were those deemed legitimate by the virtue of falling within the specifications of the Selective Service Act, while insincere objectors in some way fell outside of those parameters. The act stated that only members of the peace churches could claim CO status. However, as time passed and officials began to realize that objectors outside of those parameters were not going to give up their objections, some exceptions were made for men whose objections were based on other religious affiliations. Still, one could be deemed insincere if their objections were not made on religious grounds, or if the religious faith their claims were based on was doubted by the Board. However, even if men were found to be sincere in their religious convictions, if their opposition was only to the specific war unfolding at the time, they too were found to be insincere. Accounts from COs revealed the Board's procedures to be inconsistent as a result of the attempts to amend the parameters to be in line with the reality of the situation. Some, mostly those belonging to the peace churches, felt they were treated with respect, and their placement was determined in a matter of minutes. The simple fact of being a member of a peace church was enough proof of their sincerity. Other COs felt attacked by the onslaught of questions from the Board and did not feel that they had a chance to explain their convictions or where they manifested from. (*Conscience*, 108-113). Not all COs were happy with the way they were treated by the Board or with the placement they received based on the determination of their sincerity.

For those who received work furloughs, most were sent to farms within the vicinity of the camps. While still considered military personnel, they were able to complete their service away from the hostile military camps. Despite the allure of presumably better conditions, however, some COs even refused to accept work furloughs because it was still work done under military authority. For those who remained in the camps, either because they were assigned to

noncombatant service or refused their work furlough, many did not change their ways of refusing to comply with military orders. As a result, brutalities and unfair treatment remained in the camps until the armistice (*Conscience*, 108-111). Those deemed insincere were subsequently court-martialed and faced similar conditions in military prisons as those of the military camps. Most COs designated insincere were sent to Fort Leavenworth in Kansas to serve their sentences, but for many their conscientious refusal to work under military orders remained while in prison. Like the military's policy in the camps, solitary confinement was often the punishment of choice. At Fort Leavenworth "men were kept in confinement continuously, every alternate two weeks being given only bread and water" (*Conscience*, 189). For most COs, no matter what the Board of Inquiry determined about the sincerity of their objection to war, conditions and treatment did not improve.

Having entered WWI in April of 1917 when it officially declared war on Germany, the U.S. plan for draft registration began in June, and by September the training camps were near enough completion to be used. U.S. involvement in the war lasted just over a year and a half until November 11, 1918 when the armistice was finally signed. While a relatively short time to be at war, COs suffered throughout its entirety despite the attempts of Thomas and others to improve their conditions.

Fueled by his belief in the doctrine of Christian love and the biblical injunction against killing, Thomas joined the American Branch of the Fellowship of Reconciliation at the outset of WWI in 1914. This newly formed Christian pacifist group was dedicated to resolving human conflicts through nonviolence and it played an important role in the anti-war movement during WWI. Growing to 1,000 members throughout WWI, the FOR worked nationally to try and influence public opinion regarding the war. Mostly through spoken and written word, members

of the FOR worked to promote the Christian ideals of peace and love. The organization also promoted fairer treatment for COs as well as absolutist objectors who refused to even register for the draft when called to do so (Robinson, 20). Thomas himself contributed to the organization by founding *The New World*, the official journal of the organization, in 1917. The journal was quickly renamed *The World Tomorrow* and was published on a monthly basis until 1934. Editorials and articles found in the journal reflected the ideals and goals of the FOR and Thomas specifically used the publication as a platform to express his growing disillusionment with the church and to promote tolerance of COs. The FOR was not the only avenue through which Thomas promoted the anti-war movement. He also had a hand in creating the National Civil Liberties Bureau, which is now known as the American Civil Liberties Union. This group worked to provide legal protection to those opposing the war and Thomas remained an important leader of the organization throughout the remainder of his life (Duram, 20-21). Not everyone, however, took up the cause of the anti-war movement and Thomas was particularly critical of the Christian church for its failure to defend the rights of COs.

Thomas's anti-war sentiments and concerns for freedom of conscience were inseparably linked to his Christian pacifism; he viewed Christianity to be a peace loving religion and the Christian church's support for the war contradicted this. He recognized that many COs based the arguments for their convictions on the New Testament and its teachings of peace and nonresistance to evil, but the church was not willing to come to the aid of these men. As such he condemned the church for its ability to reconcile war and Christianity and its failure to help those who he believed to be upholding the true teachings of Christianity. In particular, Thomas was disappointed with Protestant ministers who accepted without question their exemptions from military service, but who at the same time refused to support or even tolerate COs and absolutist

objectors. Thomas was bitterly disappointed with the church for its failure to aid in the fight for COs and as a result its contribution to the suppression of the freedom of conscience Thomas so valued (Duram, 90). He expressed his disillusionment with the church in an essay published in *The New World* in 1917:

Evidently the doubts the world outside the church holds concerning Jesus as the Lord of battle have not utterly spared our most skillful theologians. Here is a man who bade his followers love their enemies, and pray for their persecutors, who himself died on Calvary opposing wrong by no force save a martyr's death. Him the great body of his church acclaims as Lord and Saviour, the perfect revelation of the divine will, God incarnate. How, then, can that same church justify war in any cause? (Duram, 20)

The role the Christian church played throughout WWI in relation to COs forever strained Thomas's relationship with the church, but it also served as a catalyst that propelled Thomas into his lifelong social activism.

Thomas's lasting and influential career as an activist for social change largely began as result of the 1917 Selective Service Act and the negative consequences of its CO provisions. The provisions failed to take into account the fact that many men's opposition to war came from sources outside of the peace churches. It also failed to acknowledge that some men opposed to war were also opposed to any form of military involvement or efforts that supported the war and as a result they were not compliant with the requirement of noncombatant service. The limitations of the provisions made for a rough and unfair experience for COs during WWI. Thomas recognized and highlighted the shortcomings of the CO provisions throughout the war and in the years to follow. During the war Thomas provided support to COs and other war

objectors, while the War Department attempted to amend the system in order to take care of the issues that had arisen for COs. It was his publication of *Is Conscience a Crime?* following the war, however, that highlighted the plight of WWI COs and illustrated the need for a change in CO provisions. The government did subsequently take into account failures of the 1917 Act regarding COs during WWI when drafting new conscription legislation in the early 1940s. As the next chapter will reveal, however, the COs of WWII faced their own set of challenges, some of which were not all that different from those faced by COs in WWI.

World War II and A.J. Muste

Following WWI and the poor conditions that COs faced, it was clear that changes needed to be made regarding the CO provisions of the Selective Service Act. As the threat of a new war in Europe increased, the peace churches attempted to negotiate with Congress in order to secure better CO provisions. While not entirely what the peace churches had hoped for, a set of revised CO provisions was included in the 1940 Selective Service Act. The amended legislation, however, was still far from perfect and brought with it issues of its own. As a result, peace activists promoted fairer and more inclusive CO provisions and also advocated for the end of conscription all together. A.J. Muste, a respected clergyman and pacifist, was particularly concerned with the CO provisions and the lack of provisions regarding draft resisters. Muste's evolving feelings regarding conscription and COs throughout WWII were a reflection of other activists', as well as the general public's, growing uneasiness with the draft and with the new war.

While born in the Dutch province of Zeeland in 1885, A.J. Muste immigrated with his family to America in 1891. After settling in Grand Rapids, Michigan, Muste was raised as a member of the Fourth Reformed Church and attended public schools for much of his education. He grew up in an intellectually orthodox and politically conservative home which he left in 1902 to attend Hope College in Holland, Michigan. He continued his education at New Brunswick

Theological Seminary and in 1912 obtained a Bachelor of Divinity from Union Theological Seminary where Norman Thomas was a classmate. While pursuing his education, Muste was critical of some of the seminaries' approaches to education and accused the New Brunswick Seminary of emphasizing indoctrination over learning and valuing fidelity more than intellectual growth. His dissatisfaction with some of the approaches and practices of the church continued into the beginning of his career as a pastor at the Fort Washington Collegiate Church in New York City, where he served from 1909-1914 (Robinson, 3-15).

Following his time at Fort Washington, Muste took a position at the Central Congregational Church in Newtonville, Massachusetts. As Muste learned more about Christian pacifism, he became angry that it was not granted more consideration within mainstream Christian teachings. His interest in pacifism was put to the test as WWI bloomed. As Thomas noted during this time, many in the church were not willing to take a stand against conscription or the war. Muste was caught in the middle of those in the church promoting the war and those in the church opposed to the war: "But his thinking and feelings were not clear. In his utterances over the next few months he vacillated, trying the anti-war position and then stepping back to a more conventional patriotism, as if to see which felt best" (Robinson, 21). His wavering opinion regarding the war caused a rift between him and his congregation with some members choosing to leave as a result. Muste's anti-war position became more established when the U.S. entered the war in 1917, and in 1918 he was asked to take time off from his position with the church to "investigate the war situation." His response was not what the church had hoped for; he resigned and became a minister for the Providence Friends in Providence, Rhode Island where his pacifism was encouraged by the Quaker tradition (Robinson, 20-22).

During WWI Muste's involvement with the anti-war movement was similar to the involvement of Thomas. He helped develop the Boston chapter of the Fellowship of Reconciliation (FOR), an organization for which he eventually became the executive secretary. He also worked with the National Civil Liberties Bureau (now the ACLU) which Thomas founded in 1917. Following the war, however, Muste took a different route than Thomas who maintained his pacifism and brought the issue of COs to the forefront. In the years between WWI and WWII, "Muste had moved toward accepting revolutionary violence and 'wars of liberation'" (Robinson, 73). In 1919 Muste became involved with labor strikes in Lawrence, Massachusetts and was greatly moved by the labor movement. As his interest and involvement in the movement strengthened throughout the 1920s his involvement in the FOR waned and in 1929 he had a part in forming the Conference for Progressive Labor Action. Throughout this time Muste developed into an avowed Marxist-Leninist and helped form the Trotskyist Workers Party of America. His involvement with these revolutionary politics led him away from the Christian pacifism he developed, if unsteadily, during WWI ("A.J. Muste").

Following a visit to Europe and a meeting with Leon Trotsky, however, Muste returned to America and to his Christian Pacifism. It is not entirely clear what happened in his meeting with Trotsky that caused Muste's change of heart, but it is known that he went with questions concerning revolutionary activity and it is likely that he was not comfortable with the answers he received ("A.J. Muste"). As a result, at the outset of WWII Muste had returned to pacifism and became a prominent anti-war leader. Muste returned to work with the FOR and was particularly focused on the issues of CO legislation and the implementation of a new alternative service program known as Civilian Public Service. Muste's pacifism was first described as a bureaucratic pacifism, a term used by fellow anti-war activist David Dellinger to describe

Muste's and others' willingness to negotiate with the government on issues of conscription and CO provisions. However, as the war progressed so, too, did Muste's pacifism, which evolved into the more radical pacifism of absolutists that would eventually thrive during the Vietnam War.

During the interwar period many Americans began to regard WWI with an unfavorable opinion. Having experienced WWI and the futile nature of it, the public was not keen on the idea of entering another war. As the threat of U.S. entrance into a new conflict in Europe loomed, a poll conducted in 1937 revealed that 95% of Americans were against getting involved in another world war if one were to develop in Europe (Eller, 12). During this time the Protestant Church also changed its tune regarding the permissibility of war, an action that came too late for Thomas who criticized the church for failing to speak up for COs during WWI. That conflict was now increasingly portrayed as a pointless war into which innocent, young men were drafted for no reason. Many Protestant ministers vowed to never again sanction such a war having seen the outcome of WWI. The editor of *The Christian Century* explained the church's position as follows:

It can be said without exaggeration that peace has now become an article of the church's creed. War has lost its glory and stands forth as the naked iniquity which it always was. For the church to bless war, now appears to the Christian conscience as the absolute contradiction of the Christian faith and an act of self-satisfaction by the church. (Eller,13)

This increased strength of the pacifist movement following WWI, however, did not maintain its impact as the inevitable entrance into the war became a reality. The growing tensions in Europe caused some to back away from the pacifist movement and to see merit in

getting involved with the war. Despite the negative views of WWI, the situation at the outset of WWII was different and many began to believe that war was justified in the present situation. In his essay, "Where are We Going," published in 1941, Muste recognized the contributing factors that were likely to lead to U.S. involvement in the war. Referring to President Roosevelt's four freedoms, he acknowledged that WWII would be a war in defense of democracy and of "a world of free expression, free worship, freedom from want, and freedom from fear" ("Where are We Going," 234-235). Despite the perceived worthwhile mission of such a war, Muste and others of the peace movement were not in favor of it, but they recognized that their hopes of staying out of the war were dwindling. "Upon a clear understanding of them [the contributing factors] hangs the ever-lessening chance we have of remaining out of the conflict in order that this nation may do a work of reconciliation and healing and rebuilding in a mad world" ("Where are We Going," 235).

Following the attack on Pearl Harbor in 1941 the pacifist movement that had blossomed during the interwar period took a serious hit, as Muste had predicted. As fervor for the cause weakened, those still fighting to stay out of the war were not able to prevail and the U.S. officially entered the war. In preparation for the possibility of going to war, Congress had made revisions to the Selective Service Act in 1940 and one area to which much consideration was given was the provisions for COs.

Initially, the provisions for COs in the 1940 draft law were the same as had been in place during WWI. But many whose pacifism had not been shaken during the interwar period and who saw how the provisions had failed during WWI fought for clearer and more inclusive guidelines. While the organized peace movement was involved in this work, it was the historic peace churches that had the most success in securing better CO provisions. The peace churches were

well aware of the kinds of conditions COs faced if conscripted, and their aim was to avoid the kind of conditions COs in WWI had faced. The peace churches were focused on two main concerns in their fight for better CO provisions; they advocated that expressions of pacifism outside of the peace churches be recognized by the act and that COs be given the opportunity to fulfill alternative service to military service (Eller, 21-22).

Their first concern was to try and get conscience recognized as a general principle not dependent on religious affiliation. As Thomas and several others noticed during WWI, opposition to war, violence, and military involvement was not unique to members of the peace churches. These objections could be the result of other religious affiliations, as well as humanitarian and political beliefs. At the outset of WWII, however, it looked as though this fact would be ignored yet again and only members of the peace churches would be granted CO status. Members of the peace churches recognized the diverse sources of objection and did not think it was acceptable for their own members to receive special consideration while others who shared similar oppositions were disregarded (Eller, 24). This concern focused on who the CO provisions applied to, while their second concern was with what would happen once individuals were granted CO status.

As many of the problems regarding COs during WWI arose as a result of COs being in military training camps with other draftees and enlisted men, the peace churches wanted a way to keep COs opposed to noncombatant service out of those camps. In order to do this the peace churches stressed the willingness of their members to perform alternative service that was not military in nature. Such a program would be similar in nature to the WWI practice of awarding some COs work furloughs. But this program would be implemented at the outset of conscription, unlike the work furloughs which were granted after COs had already been sent to military camps.

The peace churches proposed to Congress an alternative to the CO section of the draft law that included provisions for their two main concerns:

Nothing in this Act shall be construed to require any person to be subject to training or service in the land or naval forces of the United States who is conscientiously opposed to participation in war in any form, nor to require any person to be subject to training or service in such forces in any capacity which he is conscientiously opposed. (Eller, 24)

Congress did not entirely disregard the wishes of the peace churches, but they were not willing to grant such a broad interpretation of conscience. They feared that such inclusive language would allow for “slackers” or insincere objectors to get out of service. They were also not willing to give CO deferments based on political objection, their main fear being that communists would try and claim CO status. Congress was not as opposed to the idea of alternative service since they already implemented a form of it through work furloughs during WWI. As a result of the negotiations with the peace churches, in 1940 Congress voted into law CO provisions that allowed those who “by reason of religious training and belief” were “opposed to war in any form” to either serve as noncombatants in the army or to be engaged in “work of national importance under civilian direction” (Eller, 25-26).

With this law, however, not all men who secured CO status were assigned to alternative service. If men were classified as I-A-O they were assigned to noncombatant service. If men were classified as IV-E they were assigned to alternative service. Any CO could apply for IV-E classification, but boards reserved the right to deny these applications and grant I-A-O classification instead. The method of determining CO classifications was, like most other methods involved in the CO application process, highly subjective and dependent on individual

draft boards. Most boards were more likely to grant I-A-O classifications because an individual classified as such was considered the same as other draftees and as a result contributed to fulfilling quotas. IV-E classifications, on the other hand, did not contribute to the quotas that draft boards were required to meet. As a result, most COs during WWII served as noncombatants in medical units. It is believed that between 25,000 and 50,000 men served as noncombatants. The discrepancy in numbers comes from the fact that in some cases combatant soldiers, those who were not COs and had never applied for CO status, were later assigned to noncombatant service without an official change of status. Nonetheless, of the 43,000 total COs of WWII, the majority were assigned to noncombatant service as opposed to the new option of alternative service (Eller, 28-29). The subjectivity that came into play when classifying COs was only one of the shortcomings of the new CO provisions that the peace churches and others had worked so hard to secure.

A.J. Muste was not a member of the peace churches that had the most active role in securing these CO provisions. He was, however, very involved with the FOR which shared the same concerns as the peace churches regarding COs. Muste became the executive secretary for the FOR in 1940, taking the place of John Nevin Sayre. There was some concern about the different approaches these two men took; Sayre was described as especially pious and moderate while Muste was more of an activist and prone to “radical experimentation.” Both men, however, came from a religious background and were dedicated to the cause of the FOR which was to promote reconciliation among warring peoples of the world and create a new world order based on love. As Muste’s position regarding the war and conscription evolved throughout WWII, some in the organization worried that he became too much of a radical (Robinson, 76).

Muste had three major problems with the final form of the 1940 Selective Service Act's provisions regarding COs which were much narrower than what the peace churches and other organizations, including the FOR, had sought. His first issue was with the fact that CO status was only offered to those who objected to war by reason of religious training or belief. Like the peace churches, Muste also felt that limiting acceptable objection to only those with religious affiliations was not good enough. It did not help, moreover, that while the terms in use regarding religious affiliation were broader, they were also much more vague. As a result, draft boards were inconsistent when granting CO status to individuals, similar to how they had been during WWI.

In 1940 the Director of Selective Service determined that the phrase "religious training and belief" was to be given a broad sociological definition which he identified in the following way: "Religious belief signifies sincere conviction as to the supreme worth of that to which one gives his supreme allegiance" (Eller, 27). In 1942 the newly appointed Director reinterpreted the same phrase from the law to mean "recognition of some source of all existence, which, whatever the type of conception, is Divine because it is the Source of all things" (Eller, 27-28). The interpretation of the phrase, "religious training and belief" was again altered in 1943 when the Supreme Court ruling of the case of Mathias Kauten, a philosophical objector, determined that it was broad enough to include, "a response of the individual to an inward mentor, call it a conscience or God, that is for many persons at the present time the equivalent of what has always been thought a religious impulse" (Eller, 28). This more philosophical and individualistic interpretation of the term as determined by the judicial system, however, was not accepted on a large scale at this time, but is reminiscent of the eventual provisions that were put in place at the

beginning of the Vietnam War. The varied interpretations of the phrase “religious training and belief” over the years led to confusion and therefore to inconsistencies among draft boards.

Muste’s second dissatisfaction was with the fact that clergymen and theology students received automatic exemptions from military service. The fact that those with religious affiliations received special considerations did not sit well with Muste. He did, however, find some solace in certain theology students who, despite the fact that they could have obtained deferments from military service, refused the necessary prerequisite of registering for the draft and thus found themselves in prison. A group of eight students from Union Theological Seminary, from which Muste received his Bachelor of Divinity, took such a stance and were sentenced to prison for a year and a day. His reverence for these individuals played into his third area of discontent, which was with the lack of provisions regarding those who conscientiously opposed even registering for the draft (Robinson, 78-79).

As the draft during WWII was implemented difficulties akin to those in WWI arose out of the fact that the provisions did not address all of those who objected to war. As time passed, organizations like the FOR realized that they were dealing with a variety of objectors with conflicting needs. Three main categories were identified:

Conscientious objectors from the Historic Peace Churches, committed to a role of thoroughgoing cooperation with the Selective Service Administration; men who saw in conscription the denial by the State of their inalienable right to direct their own lives, committed to the opposite position of thorough noncooperation with the law; [and] other individuals who entered CPS camps or federal prison with cooperative intentions and evolved into noncooperators as the months and sometimes years wore on. (Robinson, 79)

This description bore a striking resemblance to the varied situations of COs during WWI. Members of the peace churches encountered few problems with the Selective Service Act; they had always been awarded some form of exemption for their pacifism and they were, for the most part, cooperative with performing alternative service after being drafted. Uncooperative men, on the other hand, were subject to squalid conditions and unfair treatment, not in military camps, but in the prisons where the government sent those who refused to register or who caused problems in CPS camps. As more men were sentenced to prison, Muste became more sympathetic to those who took absolutist positions and refused to even register for the draft. Subsequently he became increasingly discontented with the Civilian Public Service Camps, a system that he and the FOR had a hand in putting into place.

When the Selective Service Act allowed for alternative service, there was not a system in place. As a result, the peace churches were willing to take on the responsibility of forming and administering such a program. The National Service Board for Religious Objectors (NSBRO) was made up of the peace churches and other peace groups, including the FOR. This organization took it upon itself not only to create but also to fund an alternative service program for COs. In the beginning, the NSBRO only planned to provide a program for those belonging to the peace churches, but pressure from the government convinced the organization to take on the project for all COs. After the Director of Selective Service informed the NSBRO that if they did not include all COs Congress would have to cover the cost for many and would likely demand control over the running of the program as well, the NSBRO agreed to include all COs in order to maintain some control over the program. The program that was formed was known as Civilian Public Service (CPS) and it took the form of work camps under the supervision of civilian technical agencies (Eller, 29-30).

The camps mostly included work in forestry or soil conservation and required manual labor including cutting down trees, maintaining trails, and reseeded forests. Other projects developed outside of the camps and were known as “special projects.” These projects allowed COs to work away from the camps in industries that had been depleted as a result of the war including work as dairy testers, farm laborers, and mental hospital attendants. While the COs’ work was supervised by individuals outside of the NSBRO, it was the NSBRO’s responsibility to provide funds to feed, clothe, and supervise the COs when they were not working (Eller, 29-31). In order to do this the organization had to find a way to obtain these funds.

Muste encouraged churches to put up money in support of those from their congregations who found themselves in the CPS camps. The FOR itself made a substantial financial contribution to the NSBRO. At the outset of the program Muste was inspired by the cooperation between the Selective Service Administration and the peace churches, but as time passed he found faults with the camps due to the collaboration on which they were based. He recognized that the setup of the CPS reflected mostly the values of historic peace churches. Since those churches were the organizing body of the program, this should not have come as a surprise. In fact, Muste did not think ill of the peace churches, their members, or their beliefs, but rather he felt discontent with their cooperation and negotiation with the Selective Service Administration. As the entire CPS program was developed out of this cooperation, his attitude towards the CPS wavered (Robinson, 79). Later in his career Muste reflected on the CPS program and concluded:

Civilian Public Service in large measure simply did not operate on the high spiritual plane that was originally hoped and is still sometimes implied or stated, but was for many making the best of a bad business, perhaps for lack of clear leading or the courage to follow another course. (“Holy Disobedience,” 15).

As Muste's discontent with the CPS grew, so did his sympathies for those who fully refused to register for the draft. Muste's changing sentiment was seen in his counselling of men considering the action of refusing to register. While he described to them the consequences of their actions and also implored them to think about the duress their families would be under as a result of their decisions, he ultimately conceded that "in the moral universe great good always results when men stand unflinchingly by their convictions" (Robinson, 79). Muste's views regarding conscription were similar to those of Thomas. He too recognized that conscription denied one the right to follow his own conscience and moreover that conscription promoted the state as sovereign and did not allow the possibility of a higher loyalty. As Muste began to show more support for the absolutist objectors that found themselves in prison as a result of their refusal to register, he encountered criticism from some of his fellow clergymen. Their concerns, however, did not change his views (Robinson, 80).

In 1942 President Roosevelt required all men ages forty-five to sixty-five to register for the draft on April 27. Muste took the stand of those he was supportive of and on April 3 announced his intentions to refuse to register. With regard to war resisters Muste stated, "I feel as if I ought to be going to jail with them. I would have felt a deep contentment if the government had sent me to jail when...I refused to register" (Robinson, 80). As it was, Muste, then in his late fifties, was not sent to jail for his resistance. Though arrested, Muste and other older objectors were not sent to jail as the younger resisters had been. While upset by this turn of events, it only encouraged Muste more in his support of those who refused to register (Robinson, 80).

Muste's argument for the merits of resisting the war and refusing to register were fully developed in his essay, "Of Holy Disobedience," published in 1950. In this essay Muste approached the argument of whether men should resist the draft or comply with alternative

service during the peacetime conscription. In support of his arguments he drew on his experiences during WWII. According to Muste, a distinction should not be made between war and conscription when it comes to what a pacifist is opposed to:

As pacifists we are opposed to all war. Even if recruitment were entirely on a voluntary basis, we would be opposed. It seems to me we might infer from this that we should be *a fortiori* opposed to military conscription, for here in addition to the factor of war itself, the element of coercion by government enters in, coercion which places young boys in a military regime where they are deprived of freedom of choice in virtually all essential matters. They may not have the slightest interest in the war, yet they are made to kill by order. This is surely a fundamental violation of the human spirit which must cause the pacifist to shudder. ("Holy Disobedience," 26).

By refusing to register, individuals were taking a stand against the corrupt notion of conscription. Even if one were to be awarded CO status and submitted to alternative service, the act of their registering represented acquiescence not only to war, but also to the denial of individuals' right to live by their conscience. Because of this, Muste encouraged nonconformity, or holy disobedience. He saw this as a necessary and indispensable measure of spiritual self-preservation and continued to advocate this position during the Vietnam War and until his death in 1967.

The CO provisions of the 1940 Selective Service Act were not perfect. Similar issues remained that were earlier seen during WWI. While the legislation was broadened to recognize objection based on religious training and belief and not just on peace church affiliation, the draft boards remained inconsistent in their granting of CO status. The implementation of CPS

provided the opportunity for COs to serve outside of military training camps, but not all COs served in CPS, and CPS itself was subject to criticism for its cooperation with the very government which was leading the U.S. war effort. The majority of COs during WWII served as noncombatants. Unlike WWI, conditions in military camps were now much improved and many serving in a noncombatant capacity chose to do so. However, during WWII a somewhat new issue arose with the influx of absolutist objectors refusing to even register for the draft. For these individuals, the poor conditions and punitive treatment in prisons were in some cases comparable to those of COs in military camps during WWI. As the next chapter reveals, similar issues regarding COs and draft resisters remained during the Vietnam War. In turn, peace activists increasingly embraced radical sentiments similar to those of Muste.

The Vietnam War and David Dellinger

As with WWI, in looking back on WWII, many questioned the necessity of the conflict and the morality of the actions of the warring parties. However, as the war against Germany and its allies was unfolding the cause and subsequent military actions were considered justifiable. Therefore, while there was an anti-war movement, it was matched, if not exceeded by, public support for the war. When, almost twenty years after the end of WWII, the U.S. became involved in Vietnam, the cause was considered unjust by many and as a result there was a much stronger anti-war movement that only gained momentum as the war dragged on. The number of CO applicants soared and Congress again received pressure from activists to broaden CO provisions to be more inclusive. Eventually the judicial system, through two court rulings, significantly altered CO provisions during the Vietnam War. Along with the growing number of CO applications, there was also an influx of draft resisters with young men refusing to register or even going so far as to publicly protest conscription and the war by burning their draft cards. David Dellinger, already an established and influential anti-war activist by the beginning of the Vietnam War, supported the more radical movements of absolutist objectors and encouraged acts of civil disobedience. His actions may have caused a rift between himself and the more reserved peace activists, such as Norman Thomas, but such radical tactics were lauded by many who wanted an end brought to the unjust war.

Born in 1915, Dellinger grew up in Wakefield, Massachusetts. Much younger than both Norman Thomas and A.J. Muste, Dellinger was only 3 years old at the end of WWI, but his future activism would bring him into contact with both men. Dellinger was born into a privileged life, but he was never quite comfortable with his family's status. He cites his father as an important influence in teaching him about the equality of people and was particularly struck by the way his father treated waitresses. His father would make excuses or take the blame for waitresses if they made mistakes, as opposed to scolding them as his contemporaries often did. As Dellinger recalled about his father years later in his autobiography *From Yale to Jail*: "It wasn't just that he did things like that but that our eyes would meet and something very important happened-between us and inside me" (*Yale to Jail*, 16). Dellinger grew up aware of social inequalities but also with influences that taught him not to perpetuate those inequalities.

Following high school Dellinger enrolled at Yale in 1932 where he originally studied philosophy before switching his focus to economics. His schooling presented him with information regarding problems and struggles that went beyond his previous knowledge, and he credited his experiences at Yale as adding to his political attitude and involvement. While appreciative of the education he gained from Yale, he did have some criticisms regarding the university as well, recalling that "while I was still a student at Yale, I gradually discovered that most of the professors whose teaching had contributed to my political radicalization were not ready to act in accord with the conclusions that followed logically from their analyses" (*Yale to Jail*, 30). Dellinger's drive to work for social change did not wane and he continued his education, attending Oxford for graduate school before enrolling at Union Theological Seminary in the late 1930s.

Dellinger did not necessarily hope to become a professional minister following his time at the seminary, but rather he wanted to deepen his understanding of Hebrew Prophets, Christian Gospels, and comparative religion. The seminary did not live up to his expectations, but his time there was cut short with the passing of the 1940 Selective Service Act. As a divinity student, if Dellinger had registered he would have received an exemption from military service. Dellinger's feelings about the draft and conscription, however, were very similar to the feelings of Thomas and Muste and he could not, in good faith, register. Dellinger felt that the draft was a coercive intrusion into the lives of young males and a preparation for a war he could not support. He was also uncomfortable with the idea that his status as a divinity student would exempt him from service:

And the exemption bothered me because it represented the same old business of my childhood all over again. It meant being treated once again as if I were somehow better than "ordinary people" and deserved privileges that were denied to them. The reasons were different this time, but a majority of males in my age group were liable either to be drafted or go to prison for refusing. So I refused to register, seeing that as a method of expressing my opposition to both the draft and the privileged exemption. (*Yale to Jail*, 75).

Originally twenty men, including Dellinger, from Union Theological Seminary announced their intentions to refuse to register. However, as the result of much prodding from peace leaders not in favor of such drastic measures, only eight men actually followed through with their intentions and refused to register. Dellinger and the other seven men were sentenced to one year and one day in the Danbury, Connecticut federal prison. During their detainment, the men did not receive much support from the public or from fellow peace activists. The exception

to this was a letter of support they received from Muste and Evan Thomas (Norman's brother), commending them for their strength to stand by their convictions (*Yale to Jail*, 73-78).

Despite this show of support from Muste, not all of his subsequent actions during WWII sat well with Dellinger. He branded Muste a bureaucratic pacifist for his willingness to cooperate and negotiate with governmental systems, especially during the early years of the war. As seen in the previous chapter, however, Muste's stance on WWII eventually became more radical and in line with Dellinger's and their relationship became stronger. In 1956 the pair launched the magazine *Liberation*, a monthly anti-war publication (*Yale to Jail*, 148). Muste, for the most part, maintained his pacifism and activism, including opposing involvement in Vietnam until his death in 1967. Dellinger also worked throughout the Vietnam War to promote peace and oppose conscription.

As the inevitability of increased U.S. involvement in Vietnam became more apparent, Dellinger called for a more active anti-war movement. In his essay "Escalation in the Antiwar Movement," published in *Liberation* in 1965, Dellinger scolded individuals only concerned with whether the conflict in Vietnam would lead to WWII:

Is it so far wrong to reply that although World War III can magnify the quantity of what is happening and extend it to other countries, it cannot alter the basic nature of what is already taking place? There is something peculiarly insensitive about the way in which we tend to tolerate "little" wars and distant deaths, as if they were not quite real, so long as the deaths are spread out in time and total hundreds of thousands instead of millions. ("Escalation," 276).

Dellinger cited a lack of understanding of the magnitude of the situation in Vietnam as well as individuals' lack of belief that personal action yields results as reasons for the lackluster anti-war movement at the time. However, as the war in Vietnam progressed, attitudes of the public regarding involvement in Vietnam changed and the anti-war movement gained an amount of support it had never seen before.

The same year Dellinger published this essay, President Johnson officially committed combat units to Vietnam and draft rates soared from 100,000 in 1964 to nearly 400,000 by 1966 (Moskos, 39). There was no longer any denying the U.S. involvement in Vietnam, and as reports and information regarding the happenings there spread, the American public became ever more discontent with the situation. It was also in 1965 that the Supreme Court issued the first of two important rulings that altered the CO provisions. Before reviewing these cases, however, it is important to note what CO provisions were already in place at the time.

As a result of the confusion during WWII, in 1948 the official interpretation of the term "religious training and belief" was established by the War Department to be, "an individual's belief in a relation to a Supreme Being involving duties superior to those arising from any human relation... not including essentially political, sociological, or philosophical views or a merely personal moral code" (Moskos, 39). The goal of this extended interpretation was to clearly state that only objection to war based on religious grounds could secure one CO status. In addition it established that religious belief be directly related to a belief in a Supreme Being. In practical terms, who could qualify for CO status did not change from WWII, but with this interpretation, the terminology was made clear and unacceptable reasons for objection were explicitly stated.

Another left over from the WWII CO provisions was the matter of alternative service. Civilian Public Service camps were terminated in 1946 as the success of their implementation

had not been as great as many had hoped. However, the option of alternative service still existed. The 1948 Selective Service Act, as amended in 1951, stated that COs could be assigned to perform “such civilian work contributing to the maintenance of the national health, safety, or interests as the local [draft] board may deem appropriate” (Moskos, 39). COs then found, or were assigned, work in public employment or nonprofit organizations. This approach to alternative service went over much better than the CPS camps of WWII receiving little complaint from COs or the public throughout the Cold War Era and the Korean War. While the amendments to alternative service were largely accepted, the limitation that only conscientious objections based on religious grounds were recognized remained a contested issue.

As Congress began to feel more pressure to reform the draft law, the Director of Selective Service, Gen. Lewis Hershey, blocked any reforms to the law until 1969. While the legislative and administrative powers were blocked from amending the law, the federal judiciary worked to change the CO provisions in favor of public opinion. During the late 1960s, juries and judges were more lenient on draft violators brought to court, and, as previously noted, two Supreme Court cases in particular directly challenged the 1948 interpretation of the term “religious training and belief” (Moskos, 41).

In 1965, *U.S. v. Seeger* challenged the requirement that religious belief be related to a belief in a Supreme Being. Daniel Andrew Seeger was originally denied his request for CO status based on the fact that his “religious training and belief” did not constitute the required belief in a Supreme Being. However, in 1965 the Supreme Court determined that his reasoning for objection was acceptable because, “he did not disavow any belief in a relation to a Supreme Being, and since he stated that the cosmic order does, perhaps, suggest a creative intelligence” (Schlissel, 155). This ruling, in effect, removed the requirement that religious belief be

contingent on the belief in a Supreme Being, but as with the varied interpretations of the terminology during WWII, it maintained that objection be primarily based on religious belief of some kind (Tollefson, 6). Bigger changes came, however, in 1970 with the Supreme Court's ruling in *Welsh v U.S.*

When Elliott Ashton Welsh II requested CO status, he forthrightly claimed that his objection was not based on religious beliefs. Rather, he claimed a moral opposition to killing and violent conflict. This directly challenged the law, which at the time still stated that objection must be based on religion and did not allow for objection based on a “merely personal moral code.” His case was eventually heard by the justices of the Supreme Court, whose 5-3 ruling in Welsh's favor drastically changed the makeup of the CO provisions of the Selective Service Act. It now stood that “the central requirement for CO deferments was a deeply held conviction that participation in the military violated one's religious *or moral beliefs*” (Tollefson, 6, emphasis added). This ruling opened the door for objectors to secure CO deferments on avowedly secular grounds. The broadening CO provisions, fueled largely by public discontent and secured by the judicial system, led to a great increase in the number of CO applicants, not all of whom came from those initially being drafted.

Thousands of individuals already enlisted in the military began applying for noncombatant assignments or discharges as COs. These individuals faced a particularly tough process including interviews with psychiatrists and chaplains as well as months of waiting while their applications were processed. Many of those already enlisted that applied were not granted CO status, but in 1971 this changed. Federal courts ruled that the military had to follow the same rules as civilian draft boards meaning that the new criteria established by the *Seeger* and *Welsh* cases were to be applied to enlistees' appeals. In total, between 17,000 and 18,000 men already

enlisted in the military applied for CO status throughout the war (Tollefson, 7-8). The rising number of CO applications from both new draftees and enlisted soldiers coincided with the growing and influential anti-war movement.

With regards to the anti-war movement during Vietnam, Dellinger found himself in the middle of two different groups of peace activists: the older more conservative group, and the younger more disobedient group. As he recalled in his autobiography: “In some ways I was cast in the role of being an older brother in these conflicts, someone who was old enough to be importuned to side with the parents but was more frequently drawn to stand with the rebellious kids” (*Yale to Jail*, 189). According to Dellinger, the main differences between the “parents” and “kids” were their beliefs regarding the U.S. government and their willingness or unwillingness to cooperate with said government. Based on his past experiences, Dellinger did not find himself inclined to try and cooperate with a government he believed made a sham of real democracy, and as a result found himself on the side of the “kids” (*Yale to Jail*, 190).

One group with which Dellinger aligned himself as early as 1963 was Students for a Democratic Society (SDS). The organization had ruffled the feathers of what Dellinger referred to as the peace bureaucracy (the “parents”), which at the time included Thomas and Muste, through a number of their actions including the organization of a national anti-Vietnam War demonstration in Washington in April of 1965. The peace bureaucracy held faith in President Johnson when he expressed in a speech given on April 7 of that year, that the problem in Vietnam would ideally be dealt with through “unconditional discussions” (*Yale to Jail* 194-197). What was meant by the term “unconditional discussions” was not entirely clear at the time. As of April 1965, the U.S. government did not really have a negotiation strategy because it did not believe that negotiations could serve as a means to end the war. As such, the government held

steadfastly in its conviction that North Vietnam, as the source of the trouble in South Vietnam, needed to stop “what it is doing.” Any “negotiations,” or discussions, facilitated with the U.S. would require both sides to be content with something short of victory. Therefore, the term “unconditional” was gradually conditioned to mean that the United States had to be previously convinced of the other side’s intention to be ‘serious’ and ‘meaningful’” (Draper). While the use of the new term “unconditional discussions” sparked hope that the U.S. policy of negotiating in Vietnam had improved, in reality, negotiations for peace in Vietnam remained relatively nonexistent. Despite not knowing the U.S.’s negotiating strategy (if any) and not having a complete understanding of what “unconditional discussions” entailed, the peace bureaucracy felt that members of SDS were jumping the gun in their desire to so loudly protest a conflict that was only in its beginning stages (Dellinger, 196-197).

However, SDS, supported by Dellinger, was not convinced that Johnson’s declaration for the possibility of “unconditional discussions” would significantly change the situation in Vietnam, but rather saw the beginnings of a violent and unnecessary conflict. Much to the chagrin of the peace bureaucracy, the demonstration went on as planned on April 17, 1965, only ten days after Johnson’s speech. The demonstration attracted around 20,000 participants, a crowd to which Paul Potter, the SDS president, declared that “the incredible war in Vietnam has provided... the terrifying sharp cutting edge that has finally severed the last vestiges of illusion that morality and democracy are the guiding principles of American foreign policy” (*Yale to Jail*, 198). A number of others declared their opposition to the war including Staughton Lynd, a Quaker and CO, who announced his refusal to pay income taxes in protest of the war, and Beulah Sanders, a black welfare mother, who described the hardships of being poor in a country that devoted its resources to the military and war effort. While a small demonstration in

comparison to the civil rights march on Washington in August 1963, which attracted between 200,000 and 300,000 participants and at which Martin Luther King Jr. delivered his famous “I have a Dream” speech, the SDS demonstration was considered a success for having attracted so many participants at such an early stage in the war. This was only one of many protests to come from the enlivened peace movement made up of the “kids” (*Yale to Jail*, 194-198).

Dellinger also supported acts of civil disobedience, so long as they remained nonviolent. As he demonstrated during WWII by refusing to register for the draft, Dellinger did not support the institution of conscription and did support those who chose not to register. That is not to say, however, that he did not recognize COs’ opposition to war. But, because they registered, he saw this as a form of cooperation with the government and regarded them with similar sentiments as he did the peace bureaucracy. Dellinger’s displeasure with conscription led to his support of the phenomenon of draft card burning, another action for which the peace bureaucracy criticized him. Despite this, Dellinger was a part of multiple public draft card burnings, including one where his own son, Patchen, burned his card (*Yale to Jail*, 293). Not everyone, however, was as accepting or encouraging of the new tactic as Dellinger.

In 1965 Congress made it a felony to “knowingly destroy and knowingly mutilate” draft cards. The punishment for such a crime was a maximum fine of \$10,000 or a maximum imprisonment of five years. These stiff penalties did not deter men from protesting the war in Vietnam by burning their draft cards and, for the most part, were often not enforced on protestors. While some were arrested and sentenced to some time in prison for their actions, the courts were reluctant to apply the full sentences that had been threatened. In 1967, the first Circuit Court of Appeals found that the law forbidding the burning of draft cards was unconstitutional; the act of burning a draft card was symbolic and protected by the First

Amendment and its guarantee of free speech. Only days after this judicial decision was handed down an estimated 175 men burned their cards at a protest in which Dellinger was in attendance, and in which no arrests were made by the federal government (Schlissel, 256-257).

Draft card burnings were not the only form of civil disobedience that Dellinger supported. Looking back on the anti-war movement during Vietnam, Dellinger reminisced: “sit-ins, nonviolent blockages, and other protests had been taking place increasingly on a local level all over the country, particularly in the colleges but also at recruitment stations, draft-induction centers and places like Dow Chemical Corporation, a manufacturer of napalm” (*Yale to Jail*, 296). These kinds of demonstrations, Dellinger felt, worked not only to show the public and the government how widespread opposition to the war was, but they also gave heart to and encouraged the demonstrators themselves. While supportive of these kinds of demonstrations, Dellinger was put off by those he termed “trashers” who took part in some demonstrations. These individuals took to rock-throwing and other forms of property destruction that they thought helped to illustrate their frustrations and need for change. Dellinger, however, felt that the destruction caused was a distraction from the intended message of the protests. Dellinger only promoted nonviolent civil disobedience, and he was quite serious about it being nonviolent (*Yale to Jail*, 296-298).

Dellinger was not the only peace leader to support the grass-roots, radical organizations spearheaded by the “kids.” After initially condemning SDS and their actions, Muste attempted to make amends believing that he had been in the wrong in trusting President Johnson’s claims regarding the U.S. approach to Vietnam. Despite his attempts, SDS members were reluctant to accept his reconciliation. Still, Dellinger recognized and respected Muste’s departure from the peace bureaucracy, but it was only two years after the incident, in 1967, that Muste passed away.

Unlike Muste, Thomas maintained his alliance with the “parent” organizations and remained a member of the peace bureaucracy until his death in 1968. While not on the same side of the generation gap as Dellinger, Thomas was nonetheless active in the anti-war movement during Vietnam (*Yale to Jail*, 197-198). Despite the differing approaches among peace activists, the anti-war movement during Vietnam was much louder and more influential than the comparatively fledgling movements during WWI and WWII.

The strength of this movement culminated in 170,000 COs and approximately 600,000 illegal draft evaders. Many of those that took illegal measures to avoid enlistment into the military were men who had been denied CO status; as many as 300,000 CO applicants were denied CO deferments. Completely secular and moral objection to war was not included in CO provisions until 1970. Prior to that, securing CO deferments was as difficult as it had been before, and many of those denied still refused to participate in a war they opposed. Not all of the 600,000 draft evaders were those who were denied CO deferments. As with WWI and WWII some men simply refused to register, though not all publicly displayed this defiance by burning draft cards. Among those who did not register, an estimated 30,000 to 50,000 men fled to Canada and another 20,000 fled to other countries (Tollefson, 6). Of those who did not flee, it is believed that around 360,000 were never caught, 198,000 had their cases dismissed, 9,000 were convicted and 4,000 were sent to prison (Moskos, 41). The large number of COs and draft evaders reflected the strength and influence of the anti-Vietnam War movement.

Dellinger’s break from the peace bureaucracy and his support for these youthful, radical, grass-roots anti-war organizations was only another step in his long and respected career as an activist for political and social change. He maintained his involvement with the anti-Vietnam War movement, making several visits to Vietnam while also working in the U.S., until the war’s

end in 1975. Possibly the most notable point of his career came in 1968 with his participation in demonstrations at the 1968 Democratic National Convention in Chicago, which resulted in him and six others being charged with “conspiracy to incite a riot.” The group became known as the Chicago Seven and their ensuing trial was well followed by the public and became an example of the social injustices experienced by many in America. The protests at the convention were aimed to stop the Vietnam War, but as Dellinger recalled in his autobiography, there were many other goals as well:

Some are indicated by my references to Black people, people without formal education, women, children, a “justice” system that too often keeps the larger truth out of the courtroom and to the existence of “a facade of democracy without the reality.” We wanted political changes that would permit *all* the people of the country to participate as equals in the decisions that affect their daily lives, something akin to what Abraham Lincoln called “government of the people, by the people.” We called it “participatory democracy.” (*Yale to Jail*, 6).

Until his death in 2004, Dellinger continued to work towards rectifying the social injustices he saw plaguing the U.S. While social injustice remains today, and many activists would continue to argue that the U.S. does not represent a true democracy, improvements have been made. In regards to the injustices inflicted during the Vietnam War, in 1977 President Carter took an action that recognized the futility of the Vietnam War. On January 21, 1977 Carter granted pardons to hundreds of thousands of men who evaded the draft during the Vietnam War either by refusing to register or by fleeing the country. While Carter proposed a blanket pardon, military deserters (those already enlisted who abandoned their military assignments) and civilian protesters convicted of acts of violent protest, were ineligible. Still,

Carter's action, in an attempt to help heal the country's wounds from the war, recognized the mistakes of the U.S. government during the Vietnam War and attempted to amend them (Glass).

The anti-Vietnam war movement built on earlier attempts of WWI and WWII objectors to secure more inclusive CO provisions. While these attempts were successful, the overwhelming discontent with the war led many who still did not qualify for CO status to illegally evade the draft. Seeing the extent and strength of the anti-war and anti-draft sentiments of the public, the government made significant changes during and immediately following the war. The end of the draft in 1973 and Carter's subsequent pardon of draft evaders is evidence of a growing leniency towards war objectors. While Carter himself reinstated the requirement of registration in 1980, and President Reagan extended the requirement in 1982, it was met with resistance. There was little public support for this requirement and the small number of those prosecuted for their absolutist positions received lenient sentences of community service as opposed to time in prison. Moreover, since 1986, required registration has not been enforced (Moskos, 43). However, issues surrounding CO applicants and military deserters remain today, and these issues are worth further consideration.

Conclusion

This discussion regarding conscientious objection has been largely historical, but it would be remiss not to discuss the current CO legislation. The evolution of conscientious objection has provided us with a much more liberal institution today than where it started. While changes have not been made to the terminology of CO provisions under the U.S. law since the 1970s, the way in which these provisions are implemented has changed since the end of the draft in 1973. However, that is not to say that the legislation itself may never undergo changes in the future. As has been made clear in the past chapters' discussions of how and why CO legislation has shifted over the years, public opinion has in the past played a significant role in influencing how the government determines CO provisions. As current concerns regarding CO provisions become more public, it may be the case that changes regarding these concerns are made in the future. Before discussing current concerns, however, a recap of past changes may be helpful.

Conscientious objection first officially became part of draft legislation during WWI through the 1917 Selective Service Act. The provisions provided by this act, however, were strict and limited. The act only accounted for objectors coming from the peace churches and stated that COs, while exempt from combatant service, still had to serve in a noncombatant capacity. These

limitations created issues, as those who were opposed to military service but were not members of the peace churches could not secure CO status. A further issue came from the fact that many of those who could claim CO status were opposed to supporting the war effort or being involved in the military in any way. Since it was during this time that CO provisions first came into play, the issues that arose had to be dealt with in the moment and without a frame of reference. In his book *Is Conscience a Crime?*, published in 1923, Norman Thomas illustrates how the CO provisions, or lack thereof, during WWI made for a confusing and messy experience for COs, military personnel, and Selective Service leaders. During the implementation of draft regulations, the conditions COs lived in and the treatment they received were not widely known. Following the war, however, the public was more aware of the plight of COs and problematic aspects of CO provisions and as a result Congress received pressure to amend the provisions.

The peace churches spearheaded the negotiations with Congress in an attempt to secure more inclusive provisions for COs. Their ultimate goal was to have conscience recognized as a general principle not dependent on religious affiliation. They did not achieve this goal, but in the 1940 Selective Service Act, Congress did broaden the parameters of acceptable objection to those whose objection was based on any religious training and belief. Congress also allowed for the implementation of an alternative service that gave COs the opportunity to perform their obligation to the state under civilian, not military, supervision. These changes opened the door to a new population of COs while also attempting to provide them with better working conditions and treatment. While some accepted and were pleased with the new provisions, for others, no CO provisions could quell the broader opposition they affirmed to the institution of conscription as a whole. A.J. Muste's changing sentiments throughout the war exemplified both the relief of securing better CO provisions and also the discontent with conscription. Neither the push for

more inclusive CO provisions nor the discontent with conscription ceased following the war, but it was only during the Vietnam War that a great increase of public activism regarding both issues occurred.

Influenced by the public's discontent, as well as the judicial branch's own growing discomfort with the limited CO provisions, the Supreme Court contributed two case rulings that provided the most significant changes to CO provisions. The 1965 *U.S. v. Seeger* case challenged the requirement that "religious training and belief" be dependent on the belief in a Supreme Being and resulted in this requirement being done away with. It was the 1970 *Welsh v. U.S.* case that amended CO provisions in a way that more closely resembled the wishes of the peace churches at the beginning of WWII. The ruling of this case allowed, for the first time, completely secular COs. While the CO provisions were extended greatly in this regard, those opposed to conscription as a whole still advocated for men to refuse to register for the draft completely as opposed to registering and claiming CO status. David Dellinger was one such activist who encouraged acts of civil disobedience in protest, including draft card burnings. During the Vietnam War, overwhelmingly large anti-war movements led to a significant increase in men protesting the war, either by obtaining CO deferments or by illegally evading the draft in other ways.

It is clear that in the fifty-three years between the 1917 Selective Service Act and the 1970 ruling of *Welsh v. U.S.*, the legislation regarding CO provisions had come a long way. The effect of these changes can be seen in the increasing number of men who claimed CO status in each of the three wars. During WWI nearly 4,000 men claimed CO status out of the 2,810,296 total men inducted into service; during WWII nearly 43,000 men claimed CO status out of the 10,110,104 total men inducted into service; during the Vietnam War nearly 170,000 men claimed

CO status out of the 1,857,304 total men inducted into service (“Selective Service System”). As public awareness of the issues with CO provisions grew, and as the general public’s anti-war sentiments grew from war to war, so too did the number of men claiming CO status. The public’s awareness and subsequent activism influenced the governmental bodies that had the power to amend the CO provisions to be in line with the public’s changing attitude. While the circumstances of WWI, WWII, and the Vietnam War varied, one similarity with all of these conflicts was the employment of that conscription as a means enlist men into military service. In 1973, however, this changed.

Since the Vietnam War, with a brief period of reconsideration of Selective Service registration in the 1980s, the military has become an all-volunteer service. The option of conscientious objection, however, remains. Due to the fact that service in the military is now voluntary and that all incoming soldiers are to sign a statement saying that they are not COs, those seeking to claim CO status face a new set of challenges than COs did during WWI, WWII, and the Vietnam War (Backgrounder). As established during the Vietnam War, objection can be based on religious or ethical/moral reasons. Another requirement that remains, and has been in place since the WWI draft, is that objection must be to war in any form, not to a particular war. As explained by the GI Rights Hotline, this means:

You must be opposed to all real war at this point in time. Those who object to a particular war would be called “selective conscientious objectors” and they do not qualify as conscientious objectors under current US law. If you believe in “Just War Theory”, held by many religious traditions, then to be a conscientious objector under the current legal definition you would have to apply the theory and conclude that there is no just war. (Conscientious Objection Fact Sheet)

Those who volunteer for military service and thus avow that they are not COs, but then later seek to be recognized as COs, must prove that their objection to all war developed during their training or service. This realization of their beliefs against war is often referred to as a “crystallization of conscience” (Backgrounder). If an individual feels that they have experienced such a crystallization, they can apply for CO status. The application process is long and largely depends on the individual’s ability to convince their investigating officer and a review board of the sincerity of their beliefs. The first step is the written application in which an individual will answer essay questions pertaining to their life and beliefs and have an opportunity to put down in words the reasons for their objection. An investigating officer is assigned to an individual’s case and will often interview the applicant’s commanding officer and other unit members and may even interview family members. The applicant is also interviewed by both a psychiatrist and military chaplain before attending a hearing with his or her investigating officer in which an individual can express verbally the reasons for his or her objection. All of the investigating officer’s findings are compiled into a report which makes its way to a review board that will decide if the applicant will be recognized as a CO (McNeil, 9-13).

As with the CO provisions of the past, this system is not perfect. “The Guide for COs in the Military,” published by the Center on Conscience and War based in Washington D.C., explains that the final decision regarding an individual’s application is, as it has been in the past, fairly subjective and depends largely on the applicant’s ability to “prove what can’t be proven.” To prove one’s belief in something, particularly to someone who does not share that belief, is not an easy task. It is not the applicant’s goal to convince others to agree with him or her, but to convince others of the sincerity of his or her beliefs. As the guide explains:

Ideally you are trying to describe a scenario in which someone who doesn't even know you can read the documents and maybe think, "If I had been in his (or her) shoes, it's possible I might have had the same response and come to the same conclusion about war." Or, at least, "I can see how that caused him/her to come to that belief about war. (McNeil, 9-10)

The guide goes on to encourage applicants that if they are honest and open about the experiences that have led to their crystallization of conscience, their sincerity is likely to shine through. However, it is possible that an applicant is very sincere in his or her beliefs, but lacks the skills to articulately express those beliefs through written or verbal avenues. If the review board does not find the applicant's argument to be adequately made, his or her application may be denied.

Another issue that often arises when individuals apply for CO status is that the board may find that their crystallization of conscience is in relation to specific orders they have been given within a specific war. This would violate the requirement that objection be to war in any form and not based on political or ideological opposition to a specific conflict. Some believe that young individuals signing up for the military, as occurred in the 1990s, do so as a result of the promise of job skills and tuition benefits while the prospect of actually going to war does not cross their minds. As more troops began to mobilize to go to Iraq and Afghanistan in the early 2000s, the number of CO applications turned in during this time also rose. Once faced with the reality of going to war, it appears that many individuals realized their discomfort with the idea of participating in a war and sought ways to avoid this such as applying for CO status. As became evident during the conflicts in Iraq and Afghanistan, those who begin their CO applications only shortly before or directly after they receive word that they will be going into combat have a

particularly difficult time proving that their objection pertains to all war and not just to the specific war in which they have been ordered to participate (Goodstein).

The difficulties that result from trying to align personal motivations with the legal provisions as the reality of war unfolds are still seen today. It is estimated that around 100 CO applications are submitted annually. This is an increase from the number of applications submitted prior to the War in Iraq and it is believed that the number may still be growing. Those at the Center of Conscience and War based in Washington D.C. say they have been receiving more calls with inquiries about conscientious objection, and they welcome the opportunity to help counsel young men and women trying to work out their quandaries regarding their participation in war. According to one counseling coordinator at the center, “there seems to be a lot of folks having problems of conscience” (Briggs).

There may no longer be a draft compelling individuals to register for military service, but even those who voluntarily enlist may have a change of heart and realize that they cannot, in good conscience, participate in war. The fact that they volunteered for service, however, makes it particularly difficult for them to prove the sincerity of their objections and subsequently to be granted CO status. As CO applications have increased as a result of the War in Iraq, so too have the number of deserters. A soldier is termed a deserter “after leaving his or her unit and staying away with the intent of not returning. Typically they are absent without leave, or AWOL, for up to 30 days before being designated a deserter” (Deam). Between October 2004 and October 2005, as compared to the estimated 100 CO applications, some 2,659 individuals are believed to have walked away from the service, and an estimated 3,101 individuals deserted the following year (Deam).

The new difficulties facing CO applicants as well as the growing number of deserters and increasing discontent with the War in Iraq have caused a resurgence of public activism, though it has not matched the zeal as was seen during the Vietnam War. The War in Iraq has sparked debate about the morality of war and the role of conscientious objection among some, but there is a substantial disconnect between citizens on the home front and those fighting abroad. With the threat of the draft looming over society during the Vietnam War, it was near impossible for the American public to escape talk about, if not direct involvement in, the war. The War in Iraq, while significant, has had much less of a direct impact on the lives of American citizens because military involvement is no longer compulsory. As such, the current anti-war movement is not as loud or all inclusive as was the anti-war movement during the Vietnam War, but that is not to say that it is nonexistent. Anti-war sentiments have remained strong since the Vietnam War, especially among those who had an active role in protesting that war. In regard to the War in Iraq, many activists support military personnel who, either by applying for CO status or by deserting, choose to protest the war. Activists also recognize the difficult circumstances and persecution individuals face if they choose to pursue this course of action and attempt to escape their military obligations.

The circumstances surrounding conscientious objection today are very different than the circumstances surrounding it in the past. The CO provisions that apply today were put in place when the draft was still a part of society. The draft is no longer a part of society, but that does not mean that individuals who choose to enlist may not have a change of heart and realize that they cannot, in good conscience, participate in war. The CO provisions put in place during the time of the draft are a hindrance to those applying for CO status today. As in the past, greater public knowledge of these issues may lead to growing activism directed towards changes of CO

provisions. In the future such legislation may account for the fact that, while the draft no longer exists, enlisted military personnel can still be opposed to participation in war, and their opposition should be legally recognized.

Bibliography

- "A.J. Muste Biographical Background." *A.J. Muste Memorial Institute*. A.J. Muste Memorial Institute, n.d. Web. 26 Apr. 2014.
- "Backgrounder: Soldiers at War." *PBS*. PBS, n.d. Web. 18 Apr. 2014.
- Briggs, Bill. "Hell No, He Won't Go? Soldier Claims Conscientious Objector Status Days before Deployment." *NBC News*. NBC, 17 July 2013. Web. 04 Mar. 2014.
- "Conscientious Objection Fact Sheet." *GI Rights Hotline*. GI Rights Hotline, n.d. Web. 18 Apr. 2014.
- Deam, Jenny. "Soldiers' Choice: Fight or Flight." *The Denver Post*. The Denver Post, 15 Apr. 2007. Web. 19 Apr. 2014.
- Dellinger, David T. "Escalation in the Antiwar Movement." 1965. *Revolutionary Nonviolence: Essays by Dave Dellinger*. Indianapolis: Bobbs-Merrill, 1970. 275-279. Print.
- Dellinger, David T. *From Yale to Jail: The Life Story of a Moral Dissenter*. New York: Pantheon, 1993. Print.
- Draper, Theodore H. "A Special Supplement: Vietnam: How Not to Negotiate." Editorial. *New York Review of Books* 4 May 1967: n. pag. The New York Review of Books. The New York Review of Books. Web. 26 Apr. 2014.
- Duram, James C. *Norman Thomas*. New York: Twayne, 1974. Print.
- Eller, Cynthia. *Conscientious Objectors and the Second World War: Moral and Religious Arguments in Support of Pacifism*. New York: Praeger, 1991. Print.
- Glass, Andrew. "Carter Pardons Draft Dodgers Jan. 21, 1977." *Politico*. Capital News Company LLC, 21 Jan. 2008. Web. 25 Apr. 2014.

- Goodstein, Laurie. "Conscientious Objector Numbers Are Small but Growing." *The New York Times*. The New York Times, 31 Mar. 2003. Web. 18 Apr. 2014.
- McNeil, J.E. "The Guide for COs in the Military." *Center on Conscience*. Ed. Elizabeth Sprague and Thomas Bergman. Center on Conscience and War, 2009. Web. 18 Apr. 2014.
- Moskos, Charles C., and John Whiteclay Chambers. *The New Conscientious Objection: From Sacred to Secular Resistance*. New York: Oxford UP, 1993. Print.
- Muste, A.J. "Of Holy Disobedience." Wallingford. Pennsylvania: Pendle Hill Publications, 1950. Print.
- Muste, A.J. "Where Are We Going?" 1950. *The Essays of A.J. Muste*. Ed. Nat Hentoff. Indianapolis: Bobbs-Merrill, 1967. 234-60. Print.
- Robinson, Jo Ann. *Abraham Went Out: A Biography of A.J. Muste*. Philadelphia: Temple UP, 1981. Print.
- Schlissel, Lillian. *Conscience in America; a Documentary History of Conscientious Objection in America, 1757-1967*. New York: Dutton, 1968. Print.
- "Selective Service System: History and Records." *Selective Service System*. Selective Service System, n.d. Web. 23 Apr. 2014.
- Thomas, Norman. "Conscription: The Test of the Peace." New York City: Post War World Council, 1944. Print.
- Thomas, Norman. *Is Conscience a Crime?* New York: Vanguard, 1927. Print.
- Thomas, Norman. "War's Heretics: A Plea for the Conscientious Objector." New York City: Civil Liberties Bureau of the American Union Against Militarism, 1917. Print.
- Thomas, Norman. "What Does War Mean for the Individual." 1917. *Norman Thomas on War; an Anthology*. New York: Garland Pub., 1974. 107-11. Print.

Tollefson, James W. *The Strength Not to Fight: An Oral History of Conscientious Objectors of the Vietnam War*. Boston: Little, Brown, 1993. Print.